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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, As Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff, v. RYOBI TECHNOLOGIES, INC., a Delaware corporation; TECHTRONIC INDUSTRIES NORTH AMERICA, INC., a Delaware corporation; and DOES 1-100 Defendants.	CASE NO. 3:08-cv-00070-BTM-CAB **DECLARATION OF ROBERT S. MALLIN IN SUPPORT OF MOTION TO STAY PENDING OUTCOME OF REEXAMINATION PROCEEDINGS** Date: May 16, 2008 Time: 11:00 a.m. Courtroom: 15 Hon. Barry Ted Moskowitz NO ORAL ARGUMENT UNLESS REQUESTED BY THE COURT

I, Robert S. Mallin, declare:

1. I am a member of the bar of the State of Illinois, and I am a partner at the law firm of Brinks Hofer Gilson & Lione, which represents Defendants RYOBI TECHNOLOGIES, INC. ("RTI") AND TECHTRONIC INDUSTRIES NORTH AMERICA, INC. ("TTINA") in this action. I filed a *pro hac vice* application for this case. I make this declaration pursuant to CivLR 7.1(f)(2)(a) in support of the RTI's and TTINA's Motion to Stay Pending Outcome of Reexamination Proceedings. Unless otherwise noted, the statements made herein are of my own first-hand knowledge, and if called upon to testify thereof I could and would do so competently.

2. Attached hereto as Exhibit 1 is a true and correct copy of the PTO-stamped transmittal for the Request for Reexamination, dated July 30, 2007.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Order Granting Ex Parte Reexamination, mailed October 11, 2007.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Order Granting Ex Parte Reexamination, mailed February 21, 2008.

5. Attached hereto as Exhibit 4 is a true and correct copy of the Order Granting in Part and Denying in Part Defendants' Motion to Stay, dated September 10, 2007 in the case of *Sorensen v. Black & Decker Corp., et al.*, U. S. District Court, Southern District of California, Case No. 06cvl572 BTM (CAB).

6. Attached hereto as Exhibit 5 is a true and correct copy of a Letter from Robert S. Mallin to Melody A. Kramer, dated March 12, 2008.

7. Attached hereto as Exhibit 6 is a true and correct copy of a Letter from Melody A. Kramer to Robert S. Mallin, dated March 12, 2008.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Ex Parte Reexamination Filing Data - June 30, 2006, of the U. S. Patent and Trademark Office.

9. Attached hereto as Exhibit 8 is a true and correct copy of an excerpt from the Manual of Patent Examining Procedure, § 2250(III), page 2200-74 dated August 2006, available at http://www.uspto.gov/web/offices/pac/mpep/documents/2200_2250.htm#sect2250.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th day of March, 2008 in Chicago, Illinois.

BRINKS HOFER GILSON & LIONE

By: /s/ Robert S, Mallin

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